

The BILL against Buying and Selling Offices, and to Establish a right Disposition of Offices for the future Consists of these following Heads.

I THAT Offices shall be disposed of hereafter by Lott as they become void; and that not any but Persons well Qualified, or such as be, or can be servisable to the Publick, shall be Competitors.

II THAT the first Years Profits of Offices as they become void shall be paid to Their MAJESTIES in two Years time.

III THAT a Table of the due Fees of Lawyers, Advocates, Officers, Attorneys, Clerks, Solicitors, Proctors, and Paraters, shall be hung up in every Court and Office, and the Stat. 3 Jacobi. 1. cap. 7. be put in Execution.

IV THAT the Fines and Forfeitures of such as disturb either Crown or People in their just Rights and Properties, shall be duly Answered. And that Ministers, Judges, Attorneys, and Solicitor General shall have Salary certain, and no contingent Fees or Perquisites to support the Dignity of their Places, and make them free to Punish such as be under their Charge, who neglect or discharge not their Duties to the Publick,

Reasons Humbly offered for the Bill to pass.

The Bill as drawn is no more then a Declaration of the Laws already made and in force, and to have them duly and impartially Executed. For after King John and his Evil Counsellors had wasted the Publick Treasure, and made havock of all Order and Government, by Trading and Trafficking with Offices, Oaths and Laws. It was provided,

* That Justice shall not be sold, delaid or denied to any. That † not any Person, shall be Advanced to Office for Money, Favour or Affection, but upon Merit. That * he who sells an Office shall Forfeit his Estate therein, and he that buyes shall be disabled to hold it; And † every Person is sworn to serve the KING according to the Laws and Statutes of the Realm.

* It is also Adjudged Bribery for any in Judicial Place, to take Money, Fee, or Gift of any private Person: And † one that Sold an Office lost his Estate therein, and the Purchaser was disabled to hold it: Whereupon it was granted to a third Person for Life.

* It was also Provided, That such Persons as Challenge any Office or other thing of Value without expresse mention of the Name and Value, shall be Punished for Deceit: And the Grant, Commissions or Letters Patents shall be void; and this Law is to prevent the KINGS parting with things of greater Value then he knows of or intendeth; Because it's presumed, when Persons of little or no Merit obtained beneficial Grants, that Ministers shared with them.

Offices are proper rewards for good Services. It was therefore provided, That such as had been servisable to the Publick shall be rewarded with Offices of the KINGS Gift.

The many Presidents upon Record shew, That either former Kings understood their own Right to Grant Offices, or had Knowing and Honest Ministers for the Office of Prothonotary, Register, Clerk of the Crown, Incorporation of the Six Clerks, Curfitters, and others in Chancery; The Custos Brevisium, Clerk of the Crown, Chief Clerk or Prothonotary, and others in the Kings-Bench: The Custos Brevisium Chyrophographer Clerk of the Treasury, and others in the Common Pleas; The Treasurer, Remembrancer, Clerk of the Pipe, and others in the Exchequer: And the Ministers of the Kings Majesties may Grant all other Offices of like Nature and Tenure.

When any Minister under colour of his Office Challenged the Right of Granting some of the said Offices, and the dispute between them and the KING, about the Right, came to be fairly Debated. It was Adjudged, That * such Acts of Parliament as impowred the Ministers to do what the KING had Right to do, shall not bar or take away the KINGS Right; but that the same remaineth full and perfect: Because such Acts were intended to ease the KING of Labour, not to deprive him of his Power and Prerogative, which * is part of the Laws of England.

That Acts wherein the KING is not named † shall not bar or take away the KINGS Right. That * General Words in Grants, or Acts of Parliament, Use, Custom or Prescription, shall not Devest the Crown of any thing Originally and of Right belonging to it.

* That not any can Prescribe to the Temporalities of a Bishop, because they are incident to the Person of the KING as Patron and Protector of the Church. That † all Courts of Justice are the KINGS; And Offices are incident to the Administration, which is inseparably United and Annexed to the Imperial Crown and Dignity, and incident to his Person as Supreme Administrator of Justice: And * not any thing can go out of or from the Crown, but by Special Grant; Because † all the People of England have an Interest in the Rights of the Crown.

* Where the Crown hath a Right it cannot lose it, and not any thing shall pass out of the Crown but by Special Grant: Neither shall Officers Compact defeat the Crown: And † not any Inferior Office was ever Granted by Name to any Minister or Judge; Because * by the Antient Rule in Law, not any is to enjoy two Offices, † And Rules in Law cannot be broken without doing Abuse and Deceit to the KING. And Judges are charged upon Faith and Oath to Punish: But if they in their own right Grant Offices, they are Punishable themselves when their Officers offend; and it's against a Rule in Law for any to be Judge and Party.

That when King Henry the VIII. Granted the Disposition of Felons Goods de se to his Almoner, and without revoking the same, Granted divers Felons Goods to one Hales; and the Almoner disputed the Right, because the Stat. 6 Hen. 8. cap. 15. Saith, All after Grants shall be void, if the first be not recited and revoked: Yet it was Adjudged, That the Kings Grant to Hales was good against the Almoner, because he was only a Minister in Trust for the King: And Great Ministers are no other, neither have they such expresse Grants of the Disposition of Inferior Offices, as the Almoner had of Felons Goods.

King Edward the I. Granted the Office of Master of the Rolls to one for Life, and settled the Disposition to be afterward in the gift of the Chancellor and Keeper of the Great Seal for the time being: Yet it was Adjudged when the Grantee died, that it was in the Kings Gift still, notwithstanding the Settlement: And † many other Offices disputed were so Adjudged to be in the Kings Gift.

Judges are but Temporary Ministers, and their Office and Estate therein terminates upon their Death or Removal, yet they of late Years have granted Offices under them to others; some for one, others for two Lives, which Grants are illegal, and against the Rules in Law; which saith, That not any shall transfer a greater Estate than he hath.

The Stat. 5 and 6 Edw. 6. cap. 16. expressly provides, That such as have an Inheritance in Offices may sell, and the Original end and Institution of Offices

was for the support of the Administration, which is inseparably United and Annexed to the Imperial Crown and Dignity. Therefore Their MAJESTIES, well Intituled to Offices, and all Hereditary Rights belonging to the Imperial Crown and Dignity, may reasonably make that advantage of Temporal Offices they do of Spiritual Benefices; and every Person so coming into Office will have one Moiety to live on, while the other is paying to Their MAJESTIES, and every Person equally Qualified for (are equally Intituled to) Publick Offices, which throughout the Kingdom at a moderate Valuation exceeds 1000000 l. Yearly, and so often fall void, that taking one with another Their MAJESTIES will get above 150000 l. every Year, and the People coming into Offices will save above seven times as much as Their MAJESTIES will get Considering the Rate Offices are now Sold at in Courts of Justice, and four times as much as Offices sell in the Household, and this way of disposing of Offices will support the Administration, which is now a very great Charge and Burthen to the Crown, and will make a right Administration of Justice, which will be a greater Advantage to the Crown and People, than the first Years Profits of Offices to free the People of so much in New Aids and Taxes.

He that considers how the Fees vary as Officers, &c. are in their demands, and how exorbitant some are to others, will agree that it's fit to ascertain the Fees of Lawyers, Officers, &c. The Bill is only to have the Stat. 3 Jac. 1. cap. 7. put in Execution, and the Table of Fees hung up in every Court and Office, which were made by the Advice of former Kings and Council, and by Juries of Old Officers: Had not the due Fees been set down in one Collum, and the Int. 2 Part. fol. 250 and Exacted in another, the Officers might happily have let them remained to Publick view, but like the Papists, they are for razing out what is writ of their Corruptions in lasting Monuments, though it's Felony to Imbezzle Records.

Laws not Executed are but Capita Mortua, and ill Executed, are Goads in the sides of Government; Therefore the Wisdom of the Law-Makers Established Penalties for the Punishment of such as disturb either Crown or People in their Rights, Liberties and Properties, and took extraordinary care, that they might be duly Answer'd, to support the Crown in doing it self and People Justice. As 51 Hen. 3. Stat. Scaccarii. 10 Edw. 1 Stat. Rut. 27 Edw. 1. cap. 2. 9 Edw. 3. cap. 5. 12 Rich. 2. cap. 10. 6 Hen. 4. cap. 3. 7 Hen. 4. cap. 3. 1 Hen. 5 cap. 4. 4 Hen. 5. cap. 2. 23 Hen. 6. cap. 10. 11 Hen. 7. cap. 15. 27 Hen. 8. cap. 24. 7 Edw. 6. cap. 1. 18 Eliz. cap. 5. 27 Eliz. cap. 10. 21 Jac. 1. cap. 4. 22 and 23 Car. 2. 22. 1 Jac. 2.

Henry the III. was told by the Parliament, that Fines and Forfeitures well managed were sufficient to fill his Coffers: Whereupon he Punished Hugh de Burgh for neglect, and made Orders for the better management thereof.

King Edward the I. allotted his Judges no Salaries, but what were paid out of Fines and Forfeitures, to make them careful thereof, and the Parliament liked his Contrivance so well, that they Petitioned Richard the II. to pay his Justices accordingly: And the Justices of the Peace's Wages are paid thereout at this day by force of the Laws then made.

King James the I. by Advice of his Council for the better management of the said Revenue arising by Fines and Forfeitures and old Duties upon proceedings in Law and Equity, made Orders which hung up in Tables until the Officers Imbezled the same.

The Law ever looked upon the Injurious Acts of Persons in Office worse then robbing on the High-Way: For that wresting the Law, or Executing it partially, may destroy Men and their Posterities, and many litle makes a great deal: And many thousand Abuses are committed so covertly, that few be discovered, and those were ever Exemplarily Punished, as appears by Jerome, Vaughan, Beecher Earl of Devonshires Cases, and others, wherewith the Reports of the Law are full fraught in all Reigns before 1641.

Among the many Examples of Persons Punished, the most remarkable is that of Judge Ingham, who for abating but 6 s. 8 d. of a Fine due to the King, was made to build the Clock-House at Westminster, and hung the great Bell therein, which cost him 800 Marks, that the Judges and Officers may be put in mind of their Oaths when they hear the Clock strike; and it made such Impression upon Judge Southcote in the Reign of Queen Elizabeth, that he being desired to shew favour, said, He was not for building another Clock-House.

All Laws are to be expounded most beneficially to make them answer the true end for suppressing such Evils as were intended to be redressed thereby, and the Construction which the Judges make of the Laws, for them to sell, is repugnant to what the Law intended to remedy, and illegal.

King Edward the III. looking upon the Contingent Fees and Perquisites of Judges to be the Cause of his Subjects complaint of his own breach of Oath, in not seeing the Laws impartially Executed, Declared the same to his Parliament: And the first Act of that Session provides against Judges taking Fee, Gift, or ought of Value of any private Person have to do before them; and declares, that the Salaries are enlarged and made certain upon that Accompt: And although the Laws aforesaid are in being unaltered, yet the Officers in their Petition to the Lords in Parliament lately against a Bill for this purpose, set out Offices to be their Free-holds by Purchase of the Judges, and the Judges insisted upon Fees and Perquisites to be due to them,

They that consider how much Money goes out of the Peoples pockets by unreasonable Levys and Exactions which Officers take without Accompt, what is deducted out of every Pound duly Collected and paid into and out of the Exchequer, and that the Officers have 50 s. for every 5 s. the KING gets upon the Composition of Fines and Forfeitures, and how Petitioners good Services for want of Money and Friends at Court go unrewarded; and Suitors in Forms Pauperis at the Barr of Justice have been used: And what it hath cost these Nations to Suppress the many Insurrections and Rebellions Recorded in History occasioned by Ministers Injustice and Niggardly disposition of the Publick Treasure, Offices and Benefices to such as deserve them; and liberal Disposition to Purchasers or others who deserve them not, and all by Ministers making most Perquisites and Profits of their places; And how Trading and Trafficking with Offices, Oaths and Laws is kept on foot, because some few had rather the Nation perished, than they will forego their inbred Gain will agree; That not any thing but a right Disposition of Offices and Places of Publick Trust will heal our Distempers, and secure the Government.

And Undoubtedly the Members of the Honourable Committee of the House of Commons, was of that Opinion when they Resolved Last Session to move the House for leave to bring in a Bill to hinder the Sale of Offices.

For to Ascertain Officers and Attorneys Fees: For Their MAJESTIES to have the first Years Profits of Offices as they become void, payable in two Years time.

And to lay the Persons Case before the House, who had suffered deeply for discharge of Oath and Duty, in making out and prosecuting his Proposals.

And the House agreeing to the two first Resolutions with some Amendments, induce most People to believe, That had not the House broken up before the day appointed to consider thereof; That the two last had been agreed with alld.

Note, That the Parliament thought fit to decrease the Number of Attorneys, because they make the People poor by fomenting Suits.

Spelmans Glossary.

Extenta Maner int. Record. apud Receipt Scaccarii 4 Edw. 1. 12 Rich. 2. cap. 10. 14 Rich. 2. cap. 11.

Vernons Book of the Stat.

Cook's Int. 4 Part. fo. 211.

Plow. Com. 56g. Dyer 231. 313. Brooke 77. Int. 1 Part. 381. Cook Rep. Alton Woods Case. Heydons Case. Vide The Preface of the Stat. 20 Edw. 3.

Note, That this Bill will reduce the Administration of Justice to the right Channel, and the Crown and People will get and save as much by reducing it, as the first Years Profits of Offices will amount unto; Besides what Fines, Forfeitures, and Duties upon Proceedings in Law and Equity will bring in when duly Answered.

* Magna Charta. 9 Hen. 3. cap. 29.
† 2 Hen. 6. cap. 10.
12 Rich. 2. cap. 2.
* 5 and 6 Edward 6. cap. 16.
† Petition of Rights 3 Car. 1.
* 18 Edw. 3. St. 4.
20 Edw. 3. cap. 1.
† Int. 3 Part. fo. 145. 148.
Vernons Case, Int. 1 Part. fol. 234.

* Int. 1 Part. fol. 3.
† 1 Hen. 4. cap. 6.

1 Hen. 4. Co. Int. 4. Part. fol. 36.

Vide The Patents upon Record in the Tower and Rolls Chappel.

Dyer 225

* Hob. Rep. 146.

* Int. 1 Part. fol. 119.
Int. 2 Part. fol. 436.

+ Int. 1 Part. fol. 43. b.
* Mag. Col. Cafe, Cooks 11. Rep.

* Int. 2 Part. fol. 15.

* Int. 1 Part. fol. 117.

* Hob. Rep. 261.
† Hob. Rep. 226. 342.
* Hob. Rep. 347.

+ Int. 4 Part. fol. 100.
* Hob. Rep. 155.
23 Edw. 1. cap. 44.

Cooks Rep. Alton Woods Case.

Int. 3 Part. fol. 95, 96.
9 Edw. 4. fol. 6, 7.

+ 18 Edw. 4. fol. 7.
Dyer. 176.

+ 18 Edw. 4. fol. 7.
Hob. Rep. 453.

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The first of these is the fact that the Court has not yet decided whether or not the defendant is entitled to a jury trial. The second is the fact that the Court has not yet decided whether or not the defendant is entitled to a trial by a judge. The third is the fact that the Court has not yet decided whether or not the defendant is entitled to a trial by a jury and a judge. The fourth is the fact that the Court has not yet decided whether or not the defendant is entitled to a trial by a jury and a judge and a judge. The fifth is the fact that the Court has not yet decided whether or not the defendant is entitled to a trial by a jury and a judge and a judge and a judge. The sixth is the fact that the Court has not yet decided whether or not the defendant is entitled to a trial by a jury and a judge and a judge and a judge and a judge. The seventh is the fact that the Court has not yet decided whether or not the defendant is entitled to a trial by a jury and a judge and a judge and a judge and a judge and a judge. The eighth is the fact that the Court has not yet decided whether or not the defendant is entitled to a trial by a jury and a judge and a judge and a judge and a judge and a judge and a judge. The ninth is the fact that the Court has not yet decided whether or not the defendant is entitled to a trial by a jury and a judge and a judge and a judge and a judge and a judge and a judge and a judge. The tenth is the fact that the Court has not yet decided whether or not the defendant is entitled to a trial by a jury and a judge and a judge and a judge and a judge and a judge and a judge and a judge and a judge.